

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-1054

United States of America,

Appellee,

v.

Frankie Adams, also known as
“Tank,”

Appellant.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: September 7, 2000
Filed: September 14, 2000

Before RICHARD S. ARNOLD, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Frankie Adams challenges the sentence imposed by the district court¹ following his guilty plea to conspiracy to distribute and possess with intent to distribute cocaine and cocaine base, in violation of 21 U.S.C. § 846. The district court granted the government’s substantial-assistance departure motion and sentenced Adams to 120 months imprisonment and 5 years supervised release. On appeal, counsel moved to

¹The HONORABLE MICHAEL J. DAVIS, United States District Judge for the District of Minnesota.

withdraw pursuant to Anders v. California, 386 U.S. 738 (1967), challenging the district court's refusal to depart further and its drug quantity finding. Adams has not filed a pro se supplemental brief.

Both of the arguments fail. We do not review the extent of a substantial-assistance departure, see United States v. Dutcher, 8 F.3d 11, 12 (8th Cir. 1993), and we conclude that the district court did not clearly err in its drug-quantity finding, which is amply supported by the plea-hearing statements of Adams and a coconspirator, as well as by Adams's testimony at the trial of his coconspirators, see U.S.S.G. § 1B1.3(a)(1)(B); United States v. Mosby, 177 F.3d 1067, 1070 (8th Cir. 1999) (standard of review), cert. denied, 120 S. Ct. 1260 (2000); United States v. Makes Room, 49 F.3d 410, 415 (8th Cir. 1995) (sentencing judge may consider evidence introduced during proceedings involving codefendants); United States v. Wright, 29 F.3d 372, 374 (8th Cir. 1994) (district court may rely on defendant's admission in determining drug quantity).

In accordance with Penson v. Ohio, 488 U.S. 75 (1988), we also have reviewed the record for any non-frivolous issues and have found none. Accordingly, we now affirm and grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.